

Delaware Water Supply Coordinating Council  
February 4, 2016  
Final Minutes

**ADMINISTRATIVE – John Barndt, Chair**

John Barndt called the meeting to order at 10:00 a.m. and mentioned one subject/time change on the agenda. Introductions were made around the room and new members were introduced. The attendance list is at the end of the minutes.

John made the following announcements:

- The second phase of the Groundwater Monitoring Study for \$713,000 has been placed into the Governor's budget for state fiscal year 2017 and provided it makes it though Legislative Hall may be starting up as early as July 1, 2016, or at least that's when the money would be available.
- The Water Well Construction Regulations Hearing was held Monday, February 1, 2016, in the DNREC auditorium and went smoothly. John mentioned that some members of the WSCC were in attendance and at least one member presented comments at the hearing and the comments were constructive. There is a two week comment period ending on February 16, 2016, for anyone who wants to provide additional comments.
- John introduced the new meeting recording system. John mentioned that we are not trying to do detailed minutes for our meetings but just trying to pick up details afterwards.

**REVIEW OF OCTOBER 7, 2015, DRAFT MEETING MINUTES**

John asked if anyone had any questions or comments about the October 7, 2015, draft meeting minutes. Prior to the meeting, Joe DiNunzio, Matt Miller, Sheila Shannon, and Larry Finnicum provided edits that were made. At the meeting, Vic Singer and Stefanie Baxter (after Charles Jenner's suggestion) provided edits that were made.

Joe DiNunzio motioned to approve and Vic Singer seconded. All were in favor.

Final minutes will be posted online at <https://egov.delaware.gov/pmc/Event/Details/29924> .

**WATER CONDITIONS REPORT – Stefanie Baxter, DGS**

Stefanie Baxter presented a handout summary as of January 31, 2016, of hydrologic conditions which is considered a snapshot of water conditions and are tracked on a monthly basis (see attachment titled Northern Delaware Drought Advisory Guidelines). Stefanie pointed out the note at the top of the table on the handout stating the following: ***During cold weather, ice effects on stage at some streamgaging stations are likely. Data values reported on this page may be significantly higher or lower than actual values\*.***

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- Precipitation for a 12-month period at the Wilmington Airport is +0.87” and -3.45” for a 6-month period. During the last couple of meetings it was mentioned that the June precipitation was carrying us but fell in December/January.
- Brandywine Creek (30-day moving avg) is at 245 mgd-was an estimate \* due to freezing over a week to 10 days (at the time of the meeting was at 261 mgd). White Clay Creek-Stanton (30-day moving avg) is at 110 mgd-was an estimate \* due to freezing over a week to 10 days (at the time of the meeting was at 130 mgd). White Clay Creek-Newark (30-day moving avg) is at 53 mgd (at the time of the meeting was at 63 mgd).
- Well Db24-18 is at 13.5 (fbls) and is normal. Was in drought watch status in December but now normal.
- The Water Conditions Index is 6.41 and normal.
- Continuing to monitor chlorides. Was elevated slightly likely due to rain and snow.
- Hoopes Reservoir (City of Wilmington) is currently at -3.3 ft. (1/4/16). Newark Reservoir – 2.0 ft (1/6/16).
- Aquifer Storage and Recovery: SUEZ ASR is at 75 mg (1/4/16) and Artesian Water ASR is at 0 mg (1/4/16) (at the time of the meeting was at 1.5 mg per Joe DiNunzio).
- Chlorides on the Delaware River (1/28/16) are currently at River Mile 73 and the normal is at River Mile 69.
- Reservoirs in New York City (DRBC 1/29/16) storage 226.8 bg or 86 bg above drought watch. Full would be 270 bg.
- The Kent County Hydrologic Conditions: precipitation Dover 12-month -5.98”, 6-month -3.50”, 5-month -1.05”. Streamflow for the St. Jones River at Dover 30-day moving average for January 2 through January 31 at 33 mgd and is normal. Groundwater level for Mc51-01a (January 2016) is 14.4 ft below land surface and is below normal.
- The Sussex County Hydrologic Conditions: Precipitation Georgetown 12-month -1.41”, 6-month -0.27”, 5-month +2.48. Streamflow for the Nanticoke River at Bridgeville 30-day moving average for January 2 through January 31 at 44 mgd and is normal. Groundwater for Qe44-01 (January 2016) is 6.7 ft. below land surface and is normal.

Stefanie stated there is a lot more precipitation on the way and conditions should continue to improve.

Stefanie asked if there were any questions. Vic asked if Stefanie could put an \* and make bold her note at the top of the handout and also the same to the numbers that are estimated (Brandywine Creek and White Clay Creek-Stanton). Jerry asked if the NYC reservoir is full and Ken Najjar said yes, it is full. Stefanie stated they didn’t get a lot of snow up in that area.

DGS’ full analysis is found on <http://www.dgs.udel.edu>

## **FORECAST SYNOPSIS – Daniel Leathers, State Climatologist**

Dan Leathers presented (see attachment titled Weather Summary and Forecast). Dan presented a summary of 2015.

- Stated it was a very interesting year.
- 2015 was 1° F above the 1981-2010 “normal” and was the 11<sup>th</sup> warmest year since 1895.
- 6<sup>th</sup> coldest February since 1895 and warmest December since 1895...+12.4 F.
- 2015 annual precipitation was very close to normal across Delaware and the statewide monthly precipitation anomalies: May was very dry and June precipitation more than 5” above normal.
- We are currently in the midst of a very strong El Nino event.
- El Nino impacts generally – colder Feb in Southern US; warmer Feb in Northern US; Precip tends to be wetter along the US East Coast.
- What is the extended forecast for us for February-April from NOAA? Slightly increased chance of above normal precipitation and below normal temperature in the Eastern US.

Dan asked if there were any questions. John Barndt asked if strong El Nino’s tend to go for multiple years. Dan stated they should begin to die out.

## **WATER UTILITY REPORTS**

**Artesian – Joe DiNunzio presented:** Normal seasonal demand. Currently at 17 mgd. We completed redevelopment of our ASR well. Withdrew all of the water that we had stored so we started at 0 and we placed it back into the injection cycle on January 31, so only have 1.5 mg stored at the moment. Currently storing at a rate of about ½ mg per day. Our intent would be to have somewhere between 70-90 mg stored before turning it around for next recovery cycle so not the whole 130 mg as usual.

**Newark - Mark Neimeister presented:** January at 2.5 mgd. Expect to increase next week with University of Delaware starting back. #11 well currently down due to electrical issues. Windy Hills tank being painted and cleaned and some safety enhancements and should be completed by the end of the month. Everything else operating as normal.

**New Castle – Jay Guyer presented:** With the completion of our carbon filtration system our system is back up and running as it should be. Demands normal for this time of the year. 0.5 mgd or 14 mg per month. Now focusing on Crossroads Well which is a new well drilled two years ago and getting it connected to treatment facility and working on water allocation permit with DNREC. The water main project started last year is about 90% complete and should be done this month. ‘Ecologics’ water main testing underway. Vic asked if the carbon filtration system is the system that eliminates the contaminants mentioned at the last meeting. Jay said, that is correct.

**SUEZ (formerly United Water) – Larry Finnicum presented:** Average daily demand is at 15 mgd. No issues with chlorides. ASR status quo for now. Taking down Devon Tank in March for ten weeks for maintenance, cleaning and painting.

**Wilmington– Not present.** John noted that the new representative is Ms. Chris Oh.

**Tidewater – Sheila Shannon presented:** New Castle County about 0.3% lower in production this year compared to same month in 2015, Kent County at -8.8%, and Sussex County at +7.1% . Statewide it balances out to about +0.6 higher than last year. Two tank paintings going on: Bear Trap Tank finishing up now and after completion Bethany Bay District will take Southern Shores down and have ready by summer season. Southern Shores offline for the season.

**Sussex Shores – Not present.**

#### **PLANNING FOR THE WSCC REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY – Jerry Kauffman, UD-WRA**

Jerry noted the need for the Water Supply Coordinating Council (WSCC) to begin work on the next report to the Governor and General Assembly. The handouts include the cover of the Eighth Report and Appendix A that projected supply and demand through 2020. Since ten years have passed, it seems prudent to project those demands north of the C&D canal through 2030. We've done that with Southern New Castle County in the Ninth Report and with Kent and Sussex Counties in the Twelfth Report. Jerry recommended updating the supply and demands that are summarized in Appendix A through 2030. Our goal is this legislative session for the Thirteenth Report.

Jerry recommends getting a small group of water purveyors together with DGS in John's office and anyone else from WSCC.

Charles Jenner requested that the announcement of the timing for this meeting be distributed to the WSCC so that people who decide they have an interest in this issue and want to participate can. John said once settled a mass e-mail will be sent out to the WSCC members and that the WSCC as a whole would of course receive the draft for comment and input. Jerry said we'll try to get it scheduled in a month. John said at the very minimum the five water companies are being asked to participate and who they want to designate plus DGS, WRA, DNREC and anyone else who would like to attend.

Laura Mensch asked how often the population consortium issues projections. Jerry stated, every year.

**SELF-SUFFICIENCY REPORT DISCUSSION – UWD, WILMINGTON, AWC,  
NEWARK, NEW CASTLE – John Barndt, Chair, to Lead Discussion**

John stated a memorandum was sent on December 28, 2015, to the WSCC members that summarized the review of the five reports with recommendations. The reports were also placed on the WSCC website as requested. Written comments were received from Vic Singer and Charles Jenner. These comments included reference to the availability of all back up documents to the Self-Sufficiency Reports.

As promised at the last meeting, John provided an explanation of another state law that conflicts somewhat with the law that requires completeness of the Self-Sufficiency Report. Passed after 9/11, it made certain types of infrastructure information confidential and ‘un-FOIA-able’ for national or local security concerns. SUEZ requested that the Department withhold from FOIA the agreements it has for the referenced agreement in the Self-Sufficiency Reports and the Department agreed. These agreements are currently filed and marked confidential. The sub-agreements were provided and were also looked at by WRA and DGS as part of the review for the already referenced recommendation to the WSCC.

The next steps are WSCC approval and, if approved, forwarding them as complete to the Public Service Commission. Vic asked for John to cite this statute. John read from law 29 Del Code 10002 (l) (17) (a) aloud. Vic stated the law code again for confirmation and John agreed.

Lorraine Fleming spoke and mentioned she remembers this because at that time she was on the Source Water Protection Group but she doesn’t believe it was ever discussed in the WSCC so it is not surprising that people here would be unaware of it.

Charles said he thinks there have been references made in WSCC to security issues, etc. but he is not sure if it’s ever been discussed or debated regarding those security requirements of confidentiality requests but it has come up over the years especially in the early 2000’s.

Vic said it’s reasonable to conceal the location of production wells. It’s unreasonable to conceal the location of reservoirs and streams and the flow of streams. There’s substantial reason to conceal the pricing arrangements from groups such as this. John said it’s not the pricing, it’s the actual contractual agreements that are now filed confidential.

Vic motioned that the Self-Sufficiency Reports as filed by AWC, City of New Castle and by the City of Newark be approved as presented. One motion covering all three. The other two discuss separately. Jerry didn’t agree. WSCC discussed. Charles expressed a concern. John mentioned that what was agreed to at the previous meetings was that the Self-Sufficiency Reports would be put on the WSCC website so that all members had ample opportunity to study them and prepare their comments or concerns. As a group we are now to discuss and obtain consensus on whether council would approve them and forward them to the PSC.

Jerry said he believes laws have been followed today and we don’t want to wait another three months. Vic agreed not waiting another three months because the law demands for approval or disapproval by March 1.

John asked for a consensus from the group to proceed and discuss each report.

John Rudd asked if there was still a motion on the floor by Vic Singer but it was stated that since there was no second on the motion it was removed.

Jerry Kauffman said proceed and then vote. Joe DiNunzio abstained. No one opposed. Consensus was to proceed.

- AWC Self-Sufficiency Report: Vic Singer motioned to accept as presented. Charles Jenner seconded. Joe DiNunzio abstained. No one opposed. All others in favor.
- City of New Castle Self-Sufficiency Report: Vic Singer motioned to accept as presented. Lorraine Fleming seconded. Joe DiNunzio abstained. No one opposed. All others in favor.
- City of Newark Self-Sufficiency Report: Vic Singer motioned to accept as presented. Ed Hallock seconded. Joe DiNunzio abstained. No one opposed. All others in favor.
- City of Wilmington Self-Sufficiency Report was discussed. The City of Wilmington was not present at the meeting. Vic began the discussion. The announced usable capacity of Hoopes Reservoir is 1950 mg which indicates that the City of Wilmington has sufficient storage to supply its total demand in 2018 in the drought period with 0 withdraw from the Brandywine. Vic mentioned the multi-page essay that was distributed after the July meeting and it was included in the minutes of the July meeting. He thought it was appropriate to include somewhere in the report the commitment to provide as much water as Wilmington could provide for uses elsewhere in New Castle County.

Lorraine asked for the citation that Vic was referring to. Vic quoted Section 14.06 of Chapter 14 of Title 26. Vic read it aloud.

John said that the City of Wilmington has given us the facts as they exist which is what they are required to do under the Self-Sufficiency Report. John summarized Vic's comments by saying Wilmington advertises that they have more water than they need. John said they have complied with the requirements of the Self-Sufficiency Act, have done what they were asked to do and documented for us the amounts to meet future demands and they demonstrated that. Vic would like to see copies of the documents with blacked out text for the portions that are forbidden for disclosure by the Title 29 statute. The report needs to indicate the supporting materials and documents. John said the only document that is being withheld is the one that SUEZ requested that involved Wilmington. Everything else is on the website. Vic said the City has shown they have adequate supply to meet their demand plus their acknowledged commitment to SUEZ during the 75 day drought period without any withdrawal from the Brandywine.

John asked for other council member opinions. Lorraine said Vic has made his point. Maybe put something in the report to satisfy Vic. But this is not the point of the Self-Sufficiency Report anyway. Lorraine feels they have met their obligation. Jerry agreed.

John asked if anyone else had any issues.

City of Wilmington Self-Sufficiency Report: Jerry Kauffman moved to approve. Lorraine Fleming seconded. Joe DiNunzio and Charles Jenner abstained. Vic Singer opposed. All others in favor. John concluded that the City of Wilmington report will move forward.

- SUEZ Self-Sufficiency Report discussed. Charles asked if he could read his written comments aloud. John asked for him to paraphrase. Charles cited Title 26, Section 1404 C and then commented on SUEZ's report and withholding SUEZ's confidential information in a file cabinet at DNREC and basically unavailable to the WSCC members and the WSCC members are the ones who are supposed to give their approval. John responded that he sent Larry Finnicum a letter dated January 21, 2016, following their request that certain agreements be held confidential. John discussed the agreements and documents that are in a file and are not being released. John said SUEZ's request has been accepted but the quantities of water covered under these agreements are in the self-sufficiency report table.

Charles said he would be satisfied with SUEZ report if the table on the first page would be broken down into these values. Larry addressed Charles and said he understands his concerns. He understood the way the table is broken out and that's the way it has been submitted for many years. Larry said Charles's request can be provided to the WSCC. Charles addressed further concerns including getting a facsimile of the current contract that shows signatures. John said we have that on file. John reminded Charles that he asked for only the numbers in the table. Jerry Kauffman proposed proceeding with voting on this with the condition that Charles receive an itemized table from SUEZ. Charles said that is acceptable. Vic said he would like to see it, too. Charles said all WSCC should see the itemized table and Larry said it can be provided. John reminded everyone that Jerry still has a suggestion on the table. Vic asked if there is any legal objection to inserting it in to SUEZ's reports. John said, no. Vic asked to see the breakdown.

Lorraine said Council can take the word of Jerry, John and Stefanie that the documents in question do exist. She doesn't think that should prevent Council from accepting the report on the condition that Council does get to see the table. Charles added that Council sees it in the final report. Charles said Council can basically vote in good faith that those agreed inclusions would be made. Charles said he has no objection to that. John said it will be substituted and given as the final report on the website.

Charles Jenner then moved to approve and Ed Hallock seconded. Joe DiNunzio and Larry Finnicum abstained. All others in favor.

#### **NEXT MEETING – John Barndt**

The next council meeting is scheduled for Thursday, May 19, 2016 at 10:00 am at the Kent County Administration Building, Room 220.

## **ADJOURN**

Meeting adjourned at 11:59 a.m. by John Barndt.

These minutes are not intended to be a detailed record. They are for the use of the Water Supply Coordinating Council members in supplementing their personal notes and recall of Council discussions and presentations and to provide information to Council members unable to attend. Minutes recorded and submitted by Kimberly Burris.

Attendees are listed below alphabetically, last name first:

Barndt, John - DNREC, Division of Water  
Barr, J. Kent - DRBC  
Baxter, Stefanie - University of Delaware, DGS  
Cocke, William – DNREC, Division of Water  
deLorimier, Tom – Artesian Water  
DiNunzio, Joseph – Artesian Water  
Finnicum, Larry – SUEZ (formally United)  
Fleming, Lorraine – Delaware Nature Society  
Gray, Mary Ellen - Kent County  
Guyer, Jay - City of New Castle, Municipal Services Commission  
Haggerty, George – New Castle County  
Hallock, Ed - Department of Public Health, Office of Drinking Water  
Hayes, Wilbert - DEMA  
Jenner, Charles – Delaware Grounds Management Assoc.  
Kauffman, Gerald (Jerry) - University of Delaware, Water Resources Agency, Director  
Leathers, Daniel – State Climatologist  
Mensch, Laura – Department of Agriculture  
Najjar, Kenneth - DRBC  
Neilson, Kevin – Public Service Commission  
Neimeister, Mark – City of Newark  
Roth, Thomas – Sussex County Assoc. of Towns  
Rudd, John - State Fire Marshal  
Shannon, Sheila - Tidewater Utilities  
Singer, Victor - Civic League for New Castle County  
Woodward, Amy – Public Service Commission